

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALTER WENGOROVIOUS,

Plaintiff,

v.

CORIZON CORP., ZIVIT COHEN, TYRA
S. MCKINNEY, and MATT PAYNE,

Defendants.

Case No. 12-13053

Honorable David M. Lawson

Magistrate Judge David R. Grand

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
GRANTING DEFENDANTS' MOTION TO DISMISS,
AND DISMISSING PLAINTIFF'S COMPLAINT

Presently before the Court is the report issued on January 16, 2013 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the defendants' motion to dismiss and dismiss the plaintiff's complaint with prejudice. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #29] is **ADOPTED**.

It is further **ORDERED** that the defendants' motion to dismiss [dkt. #25] is **GRANTED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 6, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 6, 2013.

s/Deborah R. Tofil
DEBORAH R. TOFIL